

## **REMARKS**

The examiner rejected claims 1-21 under 35 U.S.C. § 103(a) as being unpatentable over Slipy in view of Siemens. The rejections are respectfully traversed.

In the Office action, the examiner asserts, “Slip suggests that the faceplate 104 can be customized in any shape, any contour, size and color including transparent or clear color (col. 4/lines 12-60).” Office action, page 2. Slipy suggests no such thing. For example, in Slipy’s preferred embodiment, the appearance of the faceplate is “accomplished by selecting the contour, shape, size, texture, material and color of the faceplate.” Column 4, lines 21-23. Color is different from transparency. The property of transparency has to do with transmitting light without appreciable scattering so that a body can be clearly seen through the transparent object. A perceived color on the other hand has to do with the absorption and reflection of light in the visible spectrum. An object may have a color and may also be transparent. Thus, Slipy does not teach or suggest a colorless, clear, or transparent faceplate. For at least this reason it has not been shown that there is a suggestion to modify Slipy to have an exchangeable insert as an ornamental insert underneath “a clear removable faceplate as taught by Slipy.” Office action, page 3.

Furthermore, there is no suggestion in Slipy to make his faceplate transparent. Slipy’s faceplate 104 is the structure that gives the handset 100 its distinguished appearance. Column 4, lines 53-58. For example, the entire faceplate is replaced to alter the appearance of the handset with minimum expense and effort. Column 4, lines 28-33. In some embodiments, Slipy’s keys may also have a distinctive appearance. Generally, the keys 108 are on a keypad that is attached to the housing 102; the keys are accessible through keyholes 158 in the faceplate 104. Column 5, lines 33-50. Thus, only the keys on the keypad are visible to the user of the handset through the keyholes. There is simply no teaching or suggestion in Slipy to be able to see the keypad through the faceplate 104. For this additional reason, there is no reason to modify Slipy’s faceplate to be transparent.

The mere identification of a replaceable sheet in Siemens has no bearing whatsoever on the obviousness of the claims. *See, e.g., In re Kotzab*, 217 F.3d 1365, 1370, 55 U.S.P.Q. 2d 1313 (Fed. Cir. 2000) (“[I]dentification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention.... Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation,

suggestion or teaching of the desirability of making the specific combination that was made by the applicant.”) Additionally, a showing of obviousness, whether express or implicit, requires particular findings related thereto. *Id.* For example, in *Kotzab*, the examiner asserted that the prior art’s teaching of “one system” is the same as “one sensor.” *Id.* The Court disagreed. The word system in the reference referred to an overall temperature control system, which was not a substitute in the prior art for a sensor. *Id.* Similarly, neither Slipy nor Siemens indicates that an insert that does not run the entire length of the mobile phone (e.g., shown by Siemens) is the same as or a substitute for Slipy’s faceplate or keypad that includes keys. Additionally, neither reference suggests that a radiotelephone handset or mobile phone is the same as a general-purpose computer, a digital game player, or a digital audio player. Accordingly, *prima facie* obviousness has not been established for at least this additional reason.

For at least the reasons outlined above, there is no suggestion, motivation, or teaching in Slipy or Siemens to do what the applicant has done. Reconsideration of each of the claim rejections is requested.

## CONCLUSION

In view of the amendments and remarks herein, the application is believed to be in condition for allowance. The examiner’s prompt action in accordance therewith is respectfully requested.

The commissioner is authorized to charge any additional fees, including extension of time fees, or credit any overpayment to Deposit Account No. 20-1504 (ITL.0624US).

Respectfully submitted,

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